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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-----------------------|------------------|
| 10/083,054      | 02/26/2002  | Kevin J. Schulz      | S01.12-0829/STL 10301 | 4383             |

7590 10/30/2003

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International Centre - Suite 1600  
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Minneapolis, MN 55402-3319

EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

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DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/083,054

Applicant(s)

SCHULZ ET AL.

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 8-12, 14, 17-20, 22 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 7, 13, 15, 16, 21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 30, 2003 has been entered.

### ***Claim Status***

Claims 1-25 are currently pending.

Claims 3-5, 8-12, 14, 17-20, 22 and 25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5 (filed June 18, 2002).

### ***Information Disclosure Statement***

The external file wrapper of Patent Application Serial Number 10/083,054 indicates that a supplemental information disclosure statement was filed September 30, 2003 (Paper No. 15). Moreover, the Applicants, as set forth in Paper No. 15, state that there has been submitted an "enclosed PTO Form-1449" and further state that a copy of "an Official Search Report of the

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European Patent Office in counterpart foreign application No. PCT/US02/06006 filed February 26, 2002" has been submitted.

The Examiner notes, however, that the application file does not have any prior art reference file copies and is also missing a PTO-1449 form and furthermore that a search of the eIDS (via IFW and/or eDAN) indicates that no IDS's filed September 30, 2003 are in the IFW system of the USPTO.

The Applicant is requested to clarify if indeed an IDS has been filed, and if so, to please resubmit the references to be considered with a corresponding PTO -1449.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 7, 13, 15, 16, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaeser et al. (US 5,187,625) in view of Oberg (US 4,991,045).

As per claims 1, 13, 15, 21 and 23, Blaeser et al. (US 5,187,625) discloses a data storage device (see COL. 1, lines 5-11) for storing and accessing data in tracks on a medium (i.e., disk), the storage device having a suspension (10) comprising: a metal material (14) defining at least a portion of the suspension (10); an adhesive (13) (e.g., see COL. 2, lines 51-62 in conjunction with "spray" form of viscoelastic coating as per COL. 3, lines 49-51) bonded to a portion of the

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metal material (14); and a stiffener material (12) being bonded to the same adhesive layer (13) that is bonded to the metal material.

Additionally, as per claim 21, the suspension body (10) is formed from the layer of metal (14); and stiffener means (12) for increasing the stiffness of selected areas of the suspension (10).

As per claim 2, the metal material defines a load beam (14) of the suspension and the adhesive (13) and the stiffener material (12) are positioned on the load beam (14).

As per claims 1, 13 and 21, however, Blaeser et al. (US 5,187,625) remains silent with respect to the stiffener (12) being a composite material. More concretely, Blaeser et al. (US 5,187,625) discloses the stiffener material being a conventional stainless steel (*e.g.*, see COL. 3, lines 31-34).

Oberg (US 4,991,045), however, discloses an analogous suspension system used in a data storage device wherein a stiffener material provided as overlying a metal load beam is made of a composite material. Such a stiffener material (36) has a higher stiffness to weight ratio than the metal material (due to its composition, which includes a liquid crystal polymer - see COL. 4, lines 23-47) as per claims 1 and 24.

Oberg (US 4,991,045) discloses such a composite stiffener material (liquid crystal polymers, which may include fillers such as fibers).

As per claims 6 and 16, the composite material (106) comprises a high performance plastic and as per claim 7, the composite material (106) comprises a liquid crystal polymer (see COL. 4, lines 23-47).

Oberg (US 4,991,045) discloses such a composite stiffener (stiffener means) material in lieu of similar stainless steel constructions in order to provide, *inter alia*, "substantial weight

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savings ... which may reduce access time” (COL. 4, lines 18-22) and wherein “[t]he mechanical damping is excellent” when contrasted with conventional stainless steel materials used in similar applications. COL. 4, lines 23-32.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the composite stiffener overlying the metal load beam as taught by Oberg (US 4,991,045) in lieu of the stainless steel stiffener of Blaeser et al. (US 5,187,625).

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the composite stiffener overlying the metal load beam as taught by Oberg (US 4,991,045) in lieu of the stainless steel stiffener of Blaeser et al. (US 5,187,625) in order to provide, *inter alia*, “substantial weight savings ... which may reduce access time” (COL. 4, lines 18-22) and wherein “[t]he mechanical damping is excellent” when contrasted with conventional stainless steel materials used in similar applications. COL. 4, lines 23-32.

### ***Response to Arguments***

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

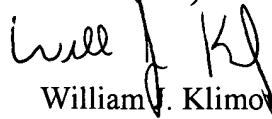
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
William J. Klimowicz  
Primary Examiner  
Art Unit 2652

WJK  
October 27, 2003